IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE ELEVENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17704 OF 2005

Between:

Gudimetla Ramakrishna Reddy … Petitioner

Versus

The Secretary to Government

(Revenue), Hyderabad & Ors. … Respondents

O R D E R :

This writ petition is filed questioning the Proceedings ROC.No.58/2005(Supdt).B7, dated 28-5-2005 passed by the Mandal Revenue Officer, Attili, resuming the land in RS.No.93/3A in an extent of Ac:0-75 cents assigned in favour of Balijepalli Venkatarao, the original assignee on the ground that the original assignee did not put the said land into cultivation and violated the conditions of 'D' form patta.

It is alleged that the petitioner encroached the said land and cultivating the same. Therefore, Form No.1 Notice under AP Assigned Land (POT) Act, 1977 was issued and to that effect explanation was called for and thereafter the land in survey no.93/3A in an extent of Ac:0-75 cents of Manchili village was ordered for resumption to the Government under section 4 of the Act and directed the Mandal Revenue Inspector, Attili to take possession of the same and handover it to the Panchayat Secretary until further orders. Against the said order, an appeal lies with the Revenue Divisional Officer, Kovvur within ninety days from the date of receipt of

order.

It is the contention of the petitioner that he is the owner of Ac:0-75 cents of land in survey no.93/3A of Manchili village, Attili Mandal, West Godavari district. Further he purchased the same under registered sale deed dated 04-11-1999 from Pasupuleti Ganga Raju and Suryakanthamma and that he was inducted into possession of the property and enjoying the same.

Considering the facts and circumstances of the case, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the fourth respondent to consider and dispose of the appeal filed by the petitioner within twelve weeks and pass appropriate orders on merits and in accordance with law after affording reasonable opportunity of hearing the petitioner. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioner over the land in question.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 11th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.